

Appin No. 09/722,172
Amdt. Dated January 12, 2006
Response to Office Action of November 15, 2005

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Remarks/Arguments

The Applicant thanks the Examiner for the Office Action dated November 15, 2005.

The Office Action has been carefully considered. It is respectfully submitted that the issues raised are traversed, being hereinafter addressed with reference to the relevant headings appearing in the Detailed Action section of the Office Action.

Claim Rejections – 35 USC § 103

The Examiner has rejected to claims 1, 3 to 5, 7 to 8, and 13 to 15 under 35 U.S.C. 103(a) as being unpatentable over Ackley (USPN 6152370) in view of Ehrhart *et al.* (USPN 6304660), and Yukihiro *et al.* (Japanese Publication No. 09-022439).

The Applicant respectfully submits that the present claim 1 is patentable over the cited prior art.

In particular, the present claim 1 describes an attachment arrangement which allows for the sensing device to be attached to and detached from a writing implement. The writing implement has a nib, and the sensing device is able to sense coded data at least when the nib is in contact with the surface, where the nib is able to mark the surface.

Thus, for example, the present claim 1 allows for a user to attach and detach to and from their own pen or pencil, the sensing device. This can allow for the user to use their own pen or pencil to mark a surface, whilst at the same time, sense coded data on the surface.

Although the Applicant maintains that Ackley, Ehrhart, and Yukihiro cannot be combined, the Applicant respectfully submits that neither Ackley, Ehrhart, Yukihiro, *nor a combination thereof* describe an attachable and detachable sensing device.

On page 5 of the Office Action, the Examiner has stated that Ackley does not teach "an attachment arrangement adapted to facilitate attachment and detachment of the device to and from a writing implement". The Examiner believes that Yukihiro describes this feature of claim 1, however the Applicant fails to see any description in Yukihiro of an attachment arrangement which allows the sensing device to be attached to and detached from a writing implement.

The Examiner has stated on page 2 of the Office Action that "one cannot show non-obviousness by attacking references individually where the rejections are based on combination of references". The Applicant respectfully submits that as neither Ackley nor Yukihiro describe an attachable and detachable sensing device from a writing implement, then the combination of the cited prior art documents does not describe this feature.

In any event, a combination of Ackley and Yukihiro would describe a data simulator and reader with a removable cover. This is due to Ackley describing an apparatus and method for decoding data collection symbols, where the reader 50 of Ackley is constricted to read and decode data collection symbols formed as relief patterns on surfaces (see columns 5 to 6), and Yukihiro describing a data simulator having a cover (9) that is attached to the tip of the casing of the data simulator, where the cover (9) is removable.

Hence, a combination of Ackley and Yukihiro would not describe an attachable and detachable sensing device from a writing implement.

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That is, the feature of having an attachment arrangement that can facilitate the attachment and detachment of a sensing device to and from a writing implement is absent from *all* prior art documents, and is accordingly absent from the combination. The Applicant respectfully reminds the Examiner that in accordance with MPEP 2143, in order to establish a *prima facie* case of obviousness, "the prior art reference (or references when combined) must teach or suggest *all* the claim limitations".

Thus, a combination of Ackley, Ehrhart, and Yukihiro does not describe an attachment arrangement which allows for the sensing device to be attached and detached to and from a writing implement.

Furthermore, the Examiner has stated that Ehrhart teaches a detection system that is able to generate region data indicative of the identity of the region using coded data. The applicant respectfully disagrees. There is no teaching or suggestion in Ehrhart of the generation of region data indicative of the identity of the region by using the coded data.

Ehrhart describes carious systems for capturing image data which indicates the location of a play area having scratch-off material removed (see column 9, lines 32 - 35). Ehrhart does not describe generating region identity data. Ehrhart determines a play area by contrasting the digital representation of the area having the scratch-off material removed and the region corresponding to an area of a play area covered by scratch-off material. The regions in Ehrhart do not have a region identity generated.

Accordingly, the combination of Ehrhart and Ackley does not teach the generation of regions data indicative of the identity of the region using the coded data.

Therefore, as the combination of references do not teach or suggest all the claim limitations, the present claim 1 is patentable over the cited prior art.

In view of the foregoing, it is respectfully requested that the Examiner reconsider and withdraw the rejections. The present application is believed to be in condition for allowance. Accordingly, the Applicant respectfully requests a Notice of Allowance of all the claims presently under examination.

Very respectfully,
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